UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.96/SR.509
8 January 1997

ENGLISH
Original: FRENCH

EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-seventh session

SUMMARY RECORD OF THE 509th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 8 October 1996, at 10 a.m.

Chairman: Mr. MCHUMO (United Republic of Tanzania)

CONTENTS

ANNUAL THEME: THE PURSUIT AND IMPLEMENTATION OF SOLUTIONS (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Executive Committee will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.96-02984 (E)

The meeting was called to order at 10.30 a.m.

ANNUAL THEME: THE PURSUIT AND IMPLEMENTATION OF SOLUTIONS (agenda item 4) (continued) (A/AC.96/863, 867 and 872)

1. Mr. IRUMBA (Uganda) commended the new approach adopted to the consideration of agenda item 4, which focused on a thorough study of specific themes and was conducive to consensus. The theme for the current session was a suitable one, as it made it possible to go beyond emergency operations and to seek durable solutions that preserved the human dignity and self-respect of refugees. The return of refugees was undoubtedly the preferable solution, but it was also necessary to address the root causes of the problem, in other words persecution, armed conflict, civil unrest and violence. Uganda, which hosted numerous refugees and which had in the past been a source of refugee flows, understood the sacrifices made by host countries and the sufferings of the refugees themselves.

2. The causes of the conflicts that caused refugee movements were to be found in poor management of public affairs and failure to respect human rights and the primacy of law. For those reasons, the promotion of human rights and the rule of law should be incorporated into efforts to foster peace, democracy and development. His delegation shared the opinion of the representative of Japan that poverty was the root cause of conflicts. Efforts were required to combat poverty rather than to build fortresses on the borders or to rewrite the Convention to hamper the entry of refugees.

3. Referring to the problems of the East Africa Sub-Region to which his country belonged, he said that Uganda was concerned about the situation in Burundi, which could worsen if nothing was done. Uganda believed that the solution was to ensure security and democracy for all inhabitants. In that respect, the Mwanza Peace Process, which had been strengthened by the Arusha Peace Initiative under the auspices of Mr. Julius Nyerere, provided a viable framework for a national dialogue. The people of Burundi and the international community should support regional efforts to find a solution. With regard to Rwanda, his delegation congratulated the Government of Rwanda for having, despite provocations by those responsible for the genocide, committed itself to a policy of reconciliation and to facilitating the return and resettlement of refugees. Attention should be focused on the ethnic problem in order to promote the rule of law and prevent the use of extrajudicial measures.

4. Uganda believed that, although the return of refugees was the preferable solution, efforts were necessary in the meantime to address the needs of refugees and to identify means of enhancing their dignity, self-respect and independence. For that reason Uganda was implementing resettlement projects to promote the integration and autonomy of refugees. He emphasized once more that a durable solution to the problem entailed respect for human rights and the primacy of law, together with assistance to host countries. He expressed concern at the emergence of new forms of xenophobia, racism and intolerance and deplored that the problem of unemployment in some countries incited people to harass refugees. While he understood the problem posed by unemployment, he believed that it was dangerous to use the weakest as scapegoats.

5. Mr. KHALID (Pakistan) said that Pakistan had followed with great interest the High Commissioner's efforts to improve the effectiveness of UNHCR. If UNHCR's operations were to be successful, it should deploy efficient personnel with an understanding of the region, its culture and its traditions. As a country which was hosting a large number of refugees, Pakistan hoped it would be consulted before any decisions were taken regarding Afghan refugees and other refugee situations.

6. Pakistan was at present host to 1.4 million Afghan refugees, who constituted one of the oldest refugee problems in the world. Pakistan had taken them in and provided them with assistance from its own resources, and had also allowed them considerable freedom of movement inside Pakistan. When assistance from the international community had been abruptly ended, Pakistan had not taken the easy way out offered by forced repatriation, but had continued to provide for them thereby assuming what was an extremely heavy burden for a developing country.

7. Pakistan believed that it was essential to restore peace in Afghanistan, as the large-scale movements of refugees had given rise to massive administrative, economic and social problems. Tension had developed in some provinces whose demographic profile had been changed by the size of the refugee population. The protracted presence of millions of Afghan refugees and their numerous livestock had caused considerable ecological damage, whose cost UNDP had already estimated at over US$ 208 million in 1990. Pakistan believed that voluntary repatriation followed by rapid reintegration was the most logical solution to the refugee problem.

8. In early 1994 hundreds of thousands of Afghans had been internally displaced as a result of the escalation of factional fighting among rival groups in Kabul. More than 200,000 had taken refuge in Pakistan, but UNHCR had registered only 85,000. Because of UNHCR's policy and financial constraints, Pakistan had been obliged to close its border, thus averting the arrival of a further 300,000 refugees. Most of the displaced persons were living in temporary camps and UNHCR and other United Nations agencies should, as a matter of priority, ensure their return, reintegration and resettlement.

9. The majority of the Afghan refugees remaining in Pakistan were from regions where peace had been restored, which therefore required large-scale rehabilitation and reconstruction to encourage the refugees to return. Pakistan was contributing to that process by allowing equipment and other essential items to transit its territory to Afghanistan. Unfortunately, the international community was apparently rather reluctant to commit resources and personnel to the repatriation of the Afghan refugees. Pakistan noted with concern that assistance to the Afghan refugees had been reduced, clearly as part of a premeditated strategy to impose local integration as the solution. However, for Pakistan local integration was neither an acceptable nor a practical solution.

10. Recent developments in Afghanistan undoubtedly held out the best hope for peace in that country since the withdrawal of Soviet forces. He hoped that, as Prime Minister Bhutto had said, the provisional Government set up by the Taliban would modify some of its policies that were considered discriminatory towards women or likely to hold back Afghanistan's economic and social development. None the less, ideological differences should not influence decisions affecting Afghanistan's men, women and children, who had suffered for too long. Holding back assistance for Afghanistan's reconstruction and for the repatriation of the refugees would be tantamount to condemning millions of innocent people, especially women and children. The new prospects for peace should be accompanied by an intensification of international assistance for Afghanistan. That was the best option, both in humanitarian and political terms.

11. Mgr. BERTELLO (Holy See) paid tribute to UNHCR, which had unfailingly set the issue of durable solutions at the very heart of its approach to refugee problems and which had made it, together with protection, one of the pillars of its core activities. Programmes providing material assistance, which were increasingly numerous, should also seek the same end, which was in the interest of all - of refugees, countries of origin or resettlement and of the international community. In view of the increasing number of conflicts and wars, the international community was seeking to prevent new population displacements, which were caused by political upheavals and civil wars, large-scale violations of human rights and the rights of minorities and the expansion of the arms trade. Those who suffered most were the vulnerable groups, and especially the elderly and women and children, who lacked access to essentials such as security, education and health care. It was hardly surprising that most refugees now came from developing countries.

12. The elimination of the causes of the rising tide of refugees and displaced persons was well beyond UNHCR's mandate. That was the task of the international community as a whole and its organizations, which should direct their efforts either towards a form of development that was not restricted to the economic sphere but which asserted human dignity by promoting human rights, or towards appropriate intervention capable of preventing new conflicts from breaking out. However, UNHCR was paramount among those organizations on account of its resources and experience. Apart from the fact that it had to its credit the repatriation of refugees from Mozambique and the recent Conference on the Commonwealth of Independent States, it could also provide valuable analytical tools and put forward constructive proposals in response to sensitive new situations. The Rwandan genocide would probably have been prevented had the international community helped peacefully to resolve the problem of those known as Rwandan "former refugees" in time.

13. On the subject of durable solutions, he said that voluntary repatriation should be based on respect for the principle of free choice, which went hand-in-hand with refugee protection. In order to make voluntary repatriation possible, efforts must be made above all to change the political, economic and social climate which had led to exile. To do so, it was necessary to ensure effective respect for human rights, to adopt policies that promoted the general welfare of all citizens, to provide for the independent administration of justice and devise a development project supported by the international community.

14. The international community must also resolutely commit itself to the more effective control of the trade in and transfers of weapons. The presence of weapons in refugee camps made it even more difficult to pursue peaceful solutions, and anti-personnel mines killed or mutilated thousands of innocent people and hampered the development of entire regions. Occasionally, countries financing humanitarian action were the very same ones that produced and exported weapons, thereby making huge profits. The camps should be demilitarized in order to allow the refugees freely to decide, far from the threat of weapons or the influence of propaganda spread by certain politicians who believed they had everything to gain by preserving the status quo.

15. Reconciliation was a step that all members of a society had to take: not only those living within the society such as the refugees who wished to return to it, but also the international community, which should respect the national identity and specific cultural traditions of each country. Reconstruction and reintegration programmes could bear fruit if people underwent an inner change, allowing them to contribute to the creation of a new society. Their contribution should be based on democratic principles and ideals of solidarity, rather than being directed by dictatorial methods or poisoned by regionalism. The Catholic Church was aware of that responsibility and believed that a fundamental part of its mission was to make its contribution wherever it was present, through its teaching and its works.

16. Mr. ZISWILER (Switzerland) said that, while the public at large perceived UNHCR primarily as an organization working for short-term objectives and attending to the most pressing concerns, its essential mission was to seek durable solutions to refugee problems. Of those durable solutions, voluntary repatriation remained the most desirable. Switzerland, for which voluntary repatriation was a priority, was implementing, in respect of Bosnia and Herzegovina, a policy of encouraging return based both on assistance to individual refugees and on projects to rehabilitate community reception structures in Bosnia. That pragmatic policy had already achieved a degree of success, although there was still some uncertainty about the possibility for refugees to return to their place of origin. For that reason, Switzerland hoped that UNHCR would again convene the countries concerned to dispel the uncertainty.

17. Switzerland fully subscribed to the concept of a comprehensive approach, under which peace-keeping and security, the promotion of economic and social development and of respect for human rights were factors that should imperatively be taken into account in seeking durable solutions. A large number of actors were responsible for the achievement of those aims, the foremost ones being the countries of origin, who were responsible for guaranteeing respect for the human rights of their people so that they were not forced to flee, and for providing material conditions and security to permit the return of the refugees.

18. The international community also bore a responsiblity to provide greater support - within the framework of preventive diplomacy - for efforts to promote regional cooperation, whether political and economic or specifically concerned with population displacements. As UNHCR apparently had no mandate to intervene upstream from a crisis it should not concern itself with prevention as such, which was essentially a political activity. It was

downstream from a crisis that its presence, together with its assistance and protection, would make it possible to prevent further deterioration of the situation. UNHCR, which was a neutral and impartial humanitarian agent, should be wary of becoming involved in unduly sensitive political activities, as that might blur the warring parties' perception of humanitrian agents, making work in the field even more dangerous than it already often was.

19. Lastly, there was the responsibility of the non-governmental or intergovernmental organizations, and in particular those dealing with development. Coordination between humanitarian agents and development agents was of fundamental importance in facilitating the transition from a conflict situation to one of peace and development. UNHCR, like all the humanitarian agents, would have to do whatever was required to pursue solutions, but its responsibility ended there. UNHCR also had an obvious role to play in the promotion of and respect for human rights, although it should limit itself to various aspects of refugee questions in particular and questions of asylum in general. For example, UNHCR should confine itself to passive follow-up action, as in connection with the arrangement between Sri Lanka and Switzerland.

20. The growing complexity of new crises brought all those involved face to face with situations to which they were unaccustomed. Although it had been possible, not so long ago, clearly to distinguish between humanitarian aspects, development aspects and political aspects, that distinction now tended to become blurred in many cases, thereby making it necessary to adopt comprehensive solutions. He commended the High Commissioner and her staff for having adopted a comprehensive approach and for having contributed to efforts to improve cooperation between the various agents, on the basis of their respective mandates and comparative advantages. UNHCR, which was a key player in humanitarian matters, was aware that, beyond institutional issues, such a partnership was a sine qua non for genuine humanitarian action in the interest, first and foremost, of refugees.

21. Mr. ZHANG Yishan (China) said that, while it was encouraging to note that refugee problems in regions such as Central America, southern Africa and Indo-China had been solved in varying degrees, the current refugee situation in the world offered no grounds for optimism. On the one hand, because of the heavy legacy of the cold war and the failure to achieve a political solution, some long-standing refugee problems were defying any immediate solution. On the other, there had been a spate of local wars and armed conflicts caused by racial and religious conflicts and territorial disputes. Poverty, underdevelopment, mounting debt and natural disasters still seriously jeopardized the survival and development of many developing countries. The old international economic order with its irrational and inequitable trading system still dominated the world, and some countries were still even resorting to blockades and sanctions to pursue their hegemonistic aims and interfere in the internal affairs of other States. All those factors were impediments to world peace and development and made it impossible to solve the refugee problem.

22. *The Government of China had always held that to solve the refugee problem it was necessary to address its root causes. Peace and development were the two major challenges facing the international community, as well as*

being prerequisites for any solution. Only by the negotiated and peaceful settlement of disputes, faster economic and social development and the establishment of a fair and reasonable new international economic order could the necessary political and economic conditions be put in place for an ultimate solution. At the same time, the international community should follow the principle of international solidarity and burden-sharing, and seek a comprehensive solution to the refugee question through different channels so as to create conditions allowing the voluntary repatriation and resettlement of refugees. To do so required concerted efforts by countries of origin, countries of asylum, donor countries and countries of resettlement. It also required coordinated action by the competent international agencies and the provision of additional human and financial resources. The growing number of instances in which refugees fled their country after having been repatriated indicated that, in addition to providing humanitarian assistance and seeking a solution, the international community and UNHCR should endeavour to combine their assistance to refugees with efforts to promote the economic development of the developing countries so as to furnish an effective and durable solution to the problem. In recent years, UNHCR had made a number of successful attempts to solve the refugee problem by proposing a comprehensive approach. China believed that it would be possible effectively to implement that idea only if the countries concerned and the competent international organizations combined their efforts. UNHCR, for its part, should always strictly abide by its mandate and give priority to protection and assistance.

23. China regarded voluntary repatriation as the most appropriate solution to the refugee problem, as had been confirmed in practice over many years. By accepting and protecting 280,000 Indo-Chinese refugees on its territory, the Government of China had made enormous contributions in terms of human and financial resources. In order rapidly to eliminate a problem that had persisted for 17 years and to meet refugee expectations, with the participation of UNHCR, and thanks to successful cooperation between China and the Lao People's Democratic Republic, some 3,000 Lao refugees had been repatriated in recent years. With the conclusion of the Comprehensive Plan of Action (CPA) in South-East Asia and the resulting solution to the problem of Vietnamese refugees in South-East Asia, the repatriation of the Vietnamese refugees in China had become a matter of urgency. China had noted with satisfaction the positive attitude of the country concerned, which had accepted the returning refugees, and China was willing to cooperate with that country and with the competent international organizations to ensure the rapid and voluntary repatriation of the Vietnamese refugees from China. The Government of China would, in a spirit of humanitarianism, continue to provide assistance to those who chose to prolong their temporary stay in China. As for those who wished to return to their country of origin in safety and dignity, the international community and UNHCR should remain seized of the situation and offer them their assistance.

24. The repatriation of the Vietnamese boat people from Hong Kong had been proceeding smoothly for several months, although little headway had so far been made in reviwing the situation of more than 7,000 of them. The question was of great concern to the Government of China, which believed that a solution to the issue of the Vietnamese boat people was a top priority task

which should be completed before 30 June 1997. As CPA had been concluded in other Asian countries, China looked forward to the active cooperation of all the parties concerned to speed up the repatriation process.

25. The Government of China paid tribute to the numerous humanitarian workers who had toiled and even sacrificed their lives for UNHCR's noble cause. For its part, it wished further to strengthen its cooperation with UNHCR and with other countries in the common search for a solution to the refugee problem.

26. Mr. MESSAOUI (Algeria) said that Algeria, whose commitment to the humanitarian cause dated back to its independence, appreciated the true worth of the efforts being made by UNHCR to adapt its action and response capacity to the serious situations within its sphere of competence. Moreover, Algeria had always believed that any effort to put an end to the suffering of refugees and displaced persons should be directed towards strengthening international protection on the basis of the principles embodied in the Charter of the United Nations and the covenants and conventions to which the international community had subscribed. In that regard, the development of the new strategy aimed at durable solutions and prevention should enjoy the broadest possible support of the international community and form part of a partnership with all relevant United Nations agencies.

27. In her statement to the Standing Committee on 30 January 1996, the High Commissioner had rightly expressed her concern that a number of restrictive national policies were increasingly taking precedence over humanitarian considerations and hampering the implementation of UNHCR's global missions. It was precisely because the virtues of mutual assistance were becoming hazy and the very concept of asylum was being reappraised that support was needed for the efforts of those countries which, despite persistant economic adversity, continued to discharge their responsibilities and to grant asylum and assistance to persons seeking refuge. It was for those reasons that Algeria, which took pride in its traditions of openness and hospitality, assumed its share of the responsibility by opening its doors to Saharan refugees and other displaced persons from Mali and Niger. Algeria's action was a valuable supplement to UNHCR's obligations in respect of the Saharan refugees, and it was well to recall that the United Nations, which had assumed a commitment to a territory covered by General Assembly resolution 1514 (XV), would meet the urgent humanitarian needs of the population until such time as the reasons for their exile had disappeared and the Saharan people were able to exercise their legitimate rights to self-determination and independence. The Government of Algeria appreciated the assistance provided by UNHCR to the most vulnerable of the Saharan refugees and hoped that such assistance would be increased in order more precisely to satisfy their manifold needs.

28. As for the displaced persons from Mali and Niger, Algeria welcomed recent positive developments in the region and would spare no effort to ensure that their voluntary repatriation was carried out successfully. Algeria was gratified by the exemplary cooperation that existed with UNHCR and the International Fund for Agricultural Development (IFAD) with a view to finding

durable solutions to the problems faced by those persons. Those links must be further strengthened so as to make the assistance provided to them even more beneficial and systematic.

29. Mr. YIMER (Ethiopia) said that, of the three major traditional solutions to the problem of ending the plight of refugees - voluntary repatriation, local settlement and third country resettlement - Ethiopia had always preferred voluntary repatriation and the subsequent reintegration of refugees into their places of origin. It was therefore deeply satisfying to note that five years of continued peace and stability in Ethiopia had enabled over 1 million Ethiopian refugees to return home in safety and dignity, thanks to the assistance of UNHCR. The few thousand Ethiopian refugees still in neighbouring countries were demanding repatriation, and the repatriation operation was scheduled to resume in Sudan in November 1996. Although the prospects were brighter than before, reintegration and rehabilitation assistance was almost non-existent, and the basic socio-economic infrastructure had to be improved in order to sustain the additional burden of accommodating huge influxes of refugees. Repatriation should be linked to reintegration and reconstruction, and in that connection Ethiopia was pleased to announce that a general strategy paper for the reintegration of Ethiopian refugees returning from abroad, formulated by UNHCR, had been presented to donors by the Government of Ethiopia and UNHCR. The response from the donor community had been most encouraging and projects were being formulated on the basis of the actual needs of the returnees and of the local communities receiving them.

30. The Government of Ethiopia did not restrict its action to the repatriation of refugees; it was also engaged in promoting durable solutions to the problem of refugees hosted on its territory. Ethiopia reaffirmed its willingness to facilitate the repatriation of refugees from neighbouring countries as soon as the situation in their countries of origin permitted them to return to their homeland in safety and dignity. Preparations for the repatriation of the Somali refugees to north-west Somalia were at an advanced stage. Refugee representatives had been authorized to cross the frontier to assess for themselves the situation in the potential resettlement zones. A steering committee comprising regional government authorities, representatives of UNHCR and government technical staff had also been persuading the refugees of the benefits of voluntary repatriation. It was to be hoped that the first phase of a pilot repatriation operation would be able to begin in the near future. The Government of Ethiopia was promoting the operation despite the absence in north-west Somalia of an authority with which it would have signed a tripartite agreement; the provisions of the repatriation operation had been stipulated by UNHCR. His Government was prepared to sign a memorandum of understanding with UNHCR to commence the operation as soon as possible. In conformity with UNHCR's strategy, with its strong emphasis on voluntary repatriation, the pilot operation would emphasize the repatriation of the bulk of the refugees to their homeland and alleviate the burden on Ethiopia and the international community as a whole. However, it could only be realized if the refugees were provided with international protection during their return and reintegration to ensure they did not again leave.

31. As part of the search for durable solutions, preliminary talks had also been held with the Djibouti authorities about the possibility of repatriating

Djibouti refugees to their homeland. Apparently most of the refugees wished to return home in due course. For its part, the Government of Ethiopia was fully in favour of their repatriation and hoped that UNHCR would assist it in organizing a repatriation operation as soon as possible. It appeared that the small caseload of Kenyan refugees was also willing to return home, and the Government of Ethiopia hoped that UNHCR would help it to organize a repatriation operation.

32. Despite those encouraging developments, refugees in Ethiopia continued to suffer as a result of the unending conflicts and lack of stability in neighbouring countries. Ethiopia continued to host over 275,000 Somali refugees whose situation remained intractable. In view of the complexity of the problems, Ethiopia fully supported UNHCR's adoption of comprehensive approaches, which should be holistic and address the root causes such as human rights violations, political and social conflicts and economic upheavals. In the case of the Somali refugees, a degree of donor fatigue had been apparent for some months, leading to cuts in funding and a reduction of food rations. While it was possible to understand the frustration and concern of the international community with the situation of the Somali refugees, which had gone on for too long and defied all attempts at a solution, it was impossible to accept the use of coercive methods such as holding up food aid and reducing vital social services. Ethiopia believed that the number of refugees in the camps was underestimated and was prepared to cooperate with donors in developing a reasonably effective mechanism for determining the refugee population and arriving at a mutually acceptable figure.

33. There were currently more than 70,000 Sudanese refugees in Ethiopia in three camps in the western part of the country. Their plight was virtually the same as that of the Somali refugees, although the Government continued to share the meagre resources available with them. It had provided them with land that enabled them to engage in agricultural activities to achieve a degree of food sufficiency. However, their presence had caused large-scale deforestation and environmental degradation and Ethiopia needed assistance to restore the balance.

34. His Government's policy and its record regarding refugees were clear. It continued to pursue an open-door policy and to grant asylum and protection to all genuine victims of persecution who sought refuge on its territory. Nevertheless, he emphasized that refugee problems worldwide, and those in the Horn of Africa in particular, would find a lasting solution only if they were addressed from a regional perspective. For that reason, the Government of Ethiopia was fully committed to strengthening and revitalizing regional organs such as the Inter-Governmental Authority on Drought and Development (IGADD), which it believed capable of solving the region's economic, social and political problems. He applauded the efforts made by the IGADD member countries and OAU to contain the political conflicts that threatened to destabilize the Horn of Africa. The international community and the appropriate United Nations bodies were duty-bound to strengthen the capacity of those regional institutions to resolve conflicts effectively, to prevent them, or at least to mitigate their impact and to map out strategies that would lead to lasting solutions to the refugee crisis. UNHCR had a valuable role to play in promoting preventive actions at the international, regional and sub-regional levels.

35. Refugees had an enormous impact on Ethiopia's environment. The gathering of wood for heating and for the construction of shelters resulted in irreversible damage to vegetation, speeding up the process of desertification around the camps, and water resources had been over-exploited, jeopardizing the future of local communities. Ethiopia hoped that UNHCR would draw the attention of the international community to the situation and that donors would make a modest contribution towards restoring the ecological equilibrium in the regions affected. Ethiopia thanked UNHCR, donor Governments, intergovernmental and non-governmental organizations for the assistance they had so far provided in Ethiopia and hoped that they would further increase their assistance.

36. Mr. MOHAMMED (Nigeria) said that the solutions available to the refugee problem (repatriation, integration and resettlement in a third country) had not solved all aspects of the refugee crisis. For that reason, Nigeria was unconvinced that in Africa, which alone hosted 5.7 million out of the world's 13.2 million refugees, the solution of resettling a few thousand was fully satisfactory. Hence the need for a holistic and proactive approach to the quest for durable solutions to the refugee crises.

37. The pursuit and implementation of durable solutions required States parties to the 1951 Convention, the 1967 Protocol and other instruments, especially regional ones such as the OAU Convention on Refugees, to fulfil their obligations. Nigeria was concerned about the unilateral interpretation of protocols derogating from the rights of asylum seekers, and considered that States should adopt a universally acceptable definition of the notion of non-refoulement which was in conformity with international law.

38. Nigeria was aware of the economic and social consequences of hosting refugees. Despite their fragile economies and weak resource base, many African countries were hosting millions of refugees and deserved assistance in order to cope with their refugee burden. Despite its economic difficulties, Nigeria too, continued to practice an open-door asylum policy. When Liberian asylum seekers had arrived by sea in Nigeria, the Government had not merely welcomed them, but had approved a contingency fund equivalent to US$ 1 million to provide shelter for them and logistical support for UNHCR. In 1995 Nigeria had resumed contributing to UNHCR programmes in the amount of US$ 50,000, and would do the same in 1996.

39. Since the existence of refugees and displaced persons was symptomatic of a profound social and political problem, any durable solution should address the root causes of the crises responsible for it. Nigeria was participating in the action taken, at its initiative, by the Economic Community of West African States (ECOWAS) to end the long-running war in Liberia, whose root cause was an unbridled struggle for power. In that spirit the Nigerian Head of State and current Chairman of ECOWAS had hosted a meeting in August 1996, whose purpose had been to ensure the implementation of the Abuja Peace Accord of 1995, providing for a range of measures prior to the organization of free and fair elections. It was time for the United Nations and the international community to provide the political and material assistance necessary to ensure that the ceasefire and the Accord were respected without delay and that

Liberia and the subregion could finally enjoy peace. The restoration of peace in Liberia would enable refugees and displaced persons to return to their country.

40. As it was vital to prevent conflicts by identifying possible root causes, particularly in Africa, Nigeria appreciated the recent memorandum of understanding reached in southern Africa. That approach should be explored in other subregions so as to prevent conflicts and enable African regional organizations better to cope with refugee problems.

41. Notwithstanding the reputation it had already acquired for efficiency, UNHCR had adopted a series of administrative measures to increase its efficiency even further and to reduce costs (Project Delphi). In order to ensure the success of the project, UNHCR would need to examine a number of issues which might sooner or later arise. The first was whether there were any mechanisms for coordinating activities in Africa, which consisted of several subregions. The second was what measures had been taken to protect staff, especially locally recruited staff, since operations were moving from headquarters to the field. Consideration should also be given to the question of fair representation of African staff at headquarters, as well as to the need to establish a forum at which members of the Executive Committee could be briefed periodically on the progress of restructuring. Finally, Nigeria was concerned about the low level of representation of women in the top echelons of UNHCR, but was confident that Mrs. Ogata would turn her attention to that problem.

42. Mr. ZOUKHOUROV (Observer for Tajikistan) said that the implementation of the Programme of Action adopted at the end of the Regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States and relevant neighbouring States had become one of the priorities of the foreign policy of the Government of Tajikistan. A regional seminar on migratory processes, attended by representatives of the Central Asian Republics and of international organizations, had been organized in Bishkek to draw up actual projects to implement the Programme. The repatriation of refugees and the return home of internally displaced persons within the Republic of Tajikistan were continuing with the assistance of the international organizations. Their assistance had made it possible not only to organize the rapid return home of most of the refugees and displaced persons, but also considerably to stabilize the political situation in Tajikistan. Nevertheless, the process of return was giving rise to new difficulties with regard to the resettlement and reintegration of returnees into political and social life. Moreover, not all refugees had yet returned. There were still more than 180,000 Tajiks in CIS countries, almost 15,000 refugees had not yet returned from Afghanistan, and more than 5,000 were living temporarily in the Gorny Badakshan Autonomous Region. In the Garm group of districts, in eastern Tajikistan, the social rehabilitation programme for refugees and displaced persons had hardly begun. Tajikistan realized that it could count only on itself to solve all those problems.

43. Nevertheless, despite the various measures taken to put an end to the crisis and improve the economic situation, Tajikistan was facing difficulties of such magnitude that it was unable to do without the assistance of the international community. In his view, priority should be given to speeding up

the repatriation of the refugees in Russia and other CIS countries. The first problem concerned their transport by rail and air. Subsequently, the 20,000 dwellings destroyed in the locality of Khalton in the Garm group of districts, which had suffered most from the civil war, would have to be rebuilt as quickly as possible. Lastly, it was vital to provide the refugees and displaced persons with basic necessities, medicine and clothing.

44. His delegation supported the idea of launching, within the framework of the United Nations, an inter-agency appeal for emergency assistance to Tajikistan in 1996. On the basis of the joint statement issued by the Tajik delegation and the Tajik opposition at the conclusion of the fourth and fifth rounds of inter-Tajik talks, his delegation urged the Department of Humanitarian Affairs, UNHCR, OSCE and IOM and the representatives of the donor countries to provide additional financial and material support to solve the problems posed by the refugees and internally displaced persons. Tajikistan stood in urgent need of assistance, especially from UNHCR, which alone was capable of providing it with real and effective support. He added that the number of Tajik refugees still to be repatriated had considerably increased. Following the first round of inter-Tajik talks, a joint commission had been established under the chairmanship of UNHCR's heads of mission in Tajikistan and in Russia to deal with the repatriation of the refugees currently in the CIS countries. Unfortunately, the resumption of hostilities in the Pamir region had increased the number of internally displaced persons. More than 20,000 displaced persons from the Garm group of districts had been registered in the previous three months. Tens of thousands of persons were once again suffering and huge numbers of displaced persons, who once again had to live in public buildings or in school dormitories, had again appeared in the town of Dushanbe, in Kafiraikhon and in other districts.

45. His country's leaders had taken steps to resolve the military conflict and had signed a cease-fire agreement with the local commanders operating in the Garm group of districts. A meeting between the President of the Republic, E. Rakhmonov and the leader of the United Tajik opposition, Abdullo Nuri, was being prepared. However, UNHCR had considerably reduced the scale of its activities in Tajikistan and had recalled, and in some cases reduced, its field staff in the most difficult regions, thereby somewhat tarnishing its achievements in Tajikistan. For example, the joint commission set up at Termez and Khairaton to implement the agreement on the repatriation of Tajik refugees from Afghanistan, reached by the Government of Afghanistan, the Government of Tajikistan, the Government of Uzbekistan and HCR had become virtually inoperative. As a result, the return of the refugees from Afghanistan had almost come to a halt. That development was of considerable importance in the light of recent events in Afghanistan, since the Tajik refugees on Afghan territory were unable to return home. Moreover, there were numerous Afghans in Tajikistan who were themselves refugees. To crown it all, Tajikistan was frequently a transit country for Afghans seeking refuge in other States.

46. Unfortunately, neither the financial policy adopted by UNHCR and international non-governmental organizations such as the United States Save the Children Federation, nor the programmes for the supply of building materials, launched by the United Nations to rebuild the houses destroyed and

to develop small enterprises, had proved particularly effective. For that reason the Government of Tajikistan reiterated its request that thought should once again be given to UNHCR's reverting to its original mandate.

47. Mr. ANWAR HASHIM (Bangladesh) said that, as was stressed in the documentation on the annual theme, the two aspects of the High Commissioner's mandate, namely, international protection and permanent solutions, were clearly interlinked. The ultimate aim of international protection was to develop durable solutions.

48. Voluntary return was the most widely supported solution. If return was to be durable, it had to be linked to reintegration, and that required the creation of conditions conducive to a lasting and safe return. A preventive strategy could also be a crucial element in the pursuit of durable solutions. There was a greater awareness of the link between the promotion of good governance, the rule of law and durable development on the one hand, and the prevention of refugee flows and population displacements on the other. For that reason, the need to support national legal, judicial and administrative capacity-building was recognized. The ethnic conflicts and violence which had recently caused massive population displacements underscored the importance of restoring peace and security in the context of durable solutions.

49. There was also a need for greater cooperation among Governments, in conjunction with pooling of the expertise of the humanitarian and development organizations, in order to support rehabilitation, reintegration and reconstruction to underpin the sustainable rehabilitation of the regions concerned. It was generally recognized that, without effective preventive action, problems of population displacements would continue to grow. Durable solutions to the complex emergencies which caused refugee flows required efforts in many spheres - prevention, protection and solutions - both by the countries of origin and the countries of asylum.

50. The recent initiative concerning the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the CIS countries had led to the adoption, in May 1996, of a programme of action to deal with the impact of past, current and future displacements. It was also important to bear in mind that regional peculiarities perhaps required strategies that were, to some extent, specifically regional. The CIS Conference and its preparatory process provided interesting pointers of relevance to the annual theme chosen.

51. First of all, the Conference had resulted in the pooling of resources, thus setting a precedent for collective planning to deal with large-scale humanitarian problems. Secondly, efforts had been made to define the various categories of people involved and, where necessary, to devise working definitions of new concepts such as persons in refugee-like situations, repatriants, involuntarily relocating persons, formerly deported peoples and "ecological migrants", which would sooner or later have to be incorporated into the protection regime. Thirdly, although the Conference had, for obvious reasons, broached the issue of refugees as a problem, it was perhaps advisable to bear in mind the views expressed by the Director-General of IOM on the

issue of voluntary migration, according to which many of the movements inside CIS had been spontaneous and, rather than disrupting the social and economic development of host regions, had contributed to it.

52. Bangladesh welcomed UNHCR's participation in the work of the Inter-agency Standing Committee and urged it to examine, as a matter of priority, ways of improving the Committee's functioning and to analyse different models of coordination to ensure a coherent response to complex emergencies.

53. It was important not to lose sight of the cardinal principle of non-refoulement in the context of international protection, or of the need to reinforce international solidarity and burden-sharing. It was true that, by and large, refugees were from the developing countries, but it was also a fact that those providing asylum to large case-loads were also developing countries. In 1971, during Bangladesh's war of liberation, India had offered asylum to as many as 10 million Bengali refugees. For its part, Bangladesh had hosted two waves of Myanmar refugees within the span of a dozen years. Those examples attested to the fact that countries in general respected the principle of non-refoulement when faced with refugee flows, regardless whether they had acceded to instruments concerning refugees.

54. It was perhaps necessary to evaluate, and indeed quantify, the economic and social impact of the presence of refugees on asylum countries, particularly the developing countries which currently carried the bulk of the refugee case-load. That invisible contribution by the asylum countries should be set on an equal footing with voluntary contributions to the programme budgets. For that reason, Bangladesh would like the Standing Committee to consider the issue in 1997 and urged participants in the Executive Committee's current session to take the necessary decision.

55. Mr. KAMANDA WA KAMANDA (Zaire) was gratified that the theme selected for the Executive Committee's forty-seventh session was the pursuit and implementation of durable solutions, since the situation in the Great Lakes region and in eastern Zaire was deeply disturbing. At the forty-sixth session of the Executive Committee, Zaire had drawn attention to the precarious situation in Burundi; however, failure to provide an urgent solution to the problems had allowed them to assume their present proportions. It was to be hoped that the present situation along the border between Zaire, Rwanda, Burundi and Uganda would not be allowed to develop along the same lines. In those areas intensive preparations were being made for imminent conflicts in the coming days and weeks. Such preparations involved military operations by the Tutsi in the Great Lakes region with a view to realizing their dream of establishing the Hima empire in the region by the military, political and social subjugation of the peoples living there.

56. In 1963, when the countries of Africa had embodied the principle of the inviolability of the frontiers inherited from the colonial period in the Charter of the Organization of African Unity, they had at the same time set as their objective the unity of Africa and its development on the basis of solidarity. No one had the right to make its neighbours or others suffer for its real or imaginary difficulties, or for its incapacity to administer its national territory. States could nevertheless request the assistance of other

countries and Zaire was always prepared to contribute to the search for solutions that restored peace, understanding and stability in Africa in general and in the Great Lakes region in particular.

57. In July 1994 almost 2.5 million refugees had entered the North and South Kivu regions. Strangely enough, it was Zaire that had borne the brunt of the accusations made, in particular of allegations concerning training of the former Rwandan Armed Forces (RAF), of arms dealing in the region and of support for certain armed groups in Burundi.

58. In her preliminary statement on the situation in the Great Lakes region, the High Commissioner had rightly said that the response to the appeals made by UNDP and UNHCR to make good the damage suffered by the environment and the population of eastern Zaire had been negligible; that it was insufficient to establish military peace in societies torn apart by civil wars; that the establishment of civilian peace required a minimum consensus on the future organization of society; that the link between refugee problems and peace and security was perhaps nowhere more evident than in the Great Lakes region; that UNHCR had never seen its humanitarian concerns become bogged down in such a quagmire of political and security interests; that its humanitarian assistance also benefited the militants who had an interest in preserving the status quo; and that the establishment of peace required just and humanitarian solutions for those who had been deliberately driven out to establish ethnic hegemony or to take control of a territory.

59. It was because those truths had deliberately been concealed and because Zaire's positions - which had been expressed on countless occasions - had apparently failed to evoke a reaction among individuals, countries and agencies, which undoubtedly had their reasons for preferring misinformation to objective information, that no solution had so far been found; that the victims of the mass exodus of Rwandan and Burundi refugees had become the accused and that the Security Council had adopted three resolutions damning Zaire rather than Rwanda or Burundi, where the mechanisms that regularly produced refugees were to be found. Thus, although the embargo on arms supplies to Rwanda had been lifted, it was planned to send to Zaire, which had offered the refugees its hospitality, an international commission to investigate allegations concerning the training of former members of the Rwandan Armed Forces and the arms trade, as well as an observer mission to its frontiers with its neighbours - which, for their part, had refused both the international commission of investigation and the deployment of observers.

60. Moreover, the fact that the Republic of Zaire had notified the highest echelons of the United Nations, of UNHCR and of OAU of its justified and categorical refusal to accept the plan to create a "Hutuland" on its territory had not prevented some of its bilateral and multilateral partners from continuing to support the plan behind the scenes. It was deplorable that the Security Council should take decisions before having even verified facts or information, solely on the grounds that they came from Rwanda, and such one-way vigilance was beginning to try the patience of host countries. Meanwhile, since August 1996, another plan to destabilize the North and South Kivu regions had been taking shape on Zaire's borders with Rwanda, Burundi and Uganda: the plan constituted a vast plot, in view of the web of complicity that was apparent in the equivocal behaviour of certain agents

working for NGOs and humanitarian organizations. As the Executive Committee was well aware, since 31 August regular attacks had been launched against Zairian territory from neighbouring countries by armed units known as "Banyamulenge", and in September 1996 the Zairian town of Bukavu had been attacked from Rwanda by the Rwandan Patriotic Army. The Government of Zaire hoped that everything would be done to put an end to such acts.

61. He condemned certain forms of conduct that were contrary to the objectives of international refugee protection and drew attention to the international laxity and complicity that had benefited Rwanda - which had consistently avoided carrying out its international obligations in good faith - and at the same time compelled Zaire to bear the burden of the refugees to whom it had offered hospitality. There was also a real danger of humanitarian principles being manipulated for political ends. For example, application of the principle of voluntary repatriation, which implied the existence of conditions of safety and dignity allowing refugees to return to their country of origin, could be circumvented by States which, because they opposed the return of refugees, would never create suitable conditions for repatriation. There was a growing determination to have refugees settle permanently outside the borders of their country of origin and to transform them into exiles for ethnic or political reasons, without any reaction on the part of the United Nations which was intimidated by powerful interests attempting to use it to promote their expansion in the world.

62. The principle of consolidating and transferring camps should be assessed on the basis of the actual situation on the spot. For example, it was absurd to suggest transferring Hutu camps from South Kivu to the high plateaux, where the refugees might find themselves in conflict with the Banyamulenge of Tutsi origin.

63. He also condemned the ambiguity that characterized the application of humanitarian principles to the situation of refugees in the Great Lakes region, where the problem was essentially political. In that region a group of men and women of the Hutu ethnic group had been driven from their country by members of another ethnic group, the Tutsis, who had seized power and categorically opposed the return of the refugees to Rwanda. How did UNHCR, the United Nations and the international community intend to deal with that serious problem effectively without condoning ethnic cleansing? As long as the political aspects of the problem were concealed, international bodies would find no suitable and durable solution to the thorny issue of the Rwandan refugees. None of the measures taken so long ago (the gradual closure or consolidation of the camps, the increase in the size of the Zairian contingent responsible for security in the camps, the neutralization of intimidators and of the former Rwandan Armed Forces, the deployment of observers or information campaigns) would have any positive impact on repatriation without sustained attention to the search for political solutions. For that reason, the totalitarian drift of a regime supported by a mono-ethnic army, the use of intimidation through the maintenance of a climate of insecurity and of widespread human rights violations in order to settle the refugees permanently in the host country, the confiscation of the chattels and unlawful occupation of the property of refugees and persons in exile to justify the difficulties of repatriation were excesses to which the international community should turn its attention as it resolutely committed itself to the pursuit and implementation of durable solutions.

64. The proposed solutions and measures to be implemented must therefore be reviewed in the light of the diagnosis made by the High Commissioner in her preliminary statement. The courage must also be found to tackle the problem from another angle, without the pusillanimity, timidity and laxity characteristic of the approaches so far attempted by the international community. In Zaire's view, any durable solution to the problem of the Rwandan refugees should imperatively incorporate punishment for the perpetrators of crimes against humanity and murderers, the release of persons imprisoned without trial and an end to arbitrary arrests, the confiscation of property, the unlawful occupation of the property of persons in exile and to the campaign orchestrated by the media and other official circles propagating ethnic hatred, the desire for vengeance and incrimination on ethnic grounds. Those confidence-building measures would be really effective only if implemented through democratic institutions sanctioned by free elections. Efforts should also be made to associate the refugees themselves with the search for solutions to their problems and with decisions affecting their future. Above all, a change in attitude was required to see things differently, so as to create conditions conducive to durable solutions. The solutions that had been advocated to the problem of the Rwandan refugees were applicable, mutatis mutandis, to the problem of the Burundian refugees, who were increasingly numerous in Zaire and to whom the Government of Zaire had drawn the attention of the international community in May 1996.

65. In addition, care must be taken to prevent certain NGOs and humanitarian organizations from being used fo further the interests of certain Powers. The on-the-spot experience of the Zairian authorities - in the Great Lakes region - had shown that, without scrupulous official guidance and selection, in consultation with the Government of the host countries, NGOs and humanitarian organizations, which were UNHCR's operational partners, could be used as vehicles for interests over which neither UNHCR nor the United Nations system nor yet the host countries had any real control and which jeopardized the interests of the host country. For example, when UNHCR had begun gradually to close down the camps in the North and South Kivu regions, in conformity with the repatriation agreements, NGOs and UNHCR's partner organizations had entered the camps to conduct campaigns contrary to the objectives pursued, in particular by encouraging refugees not to agree to return home and to refuse to participate in the census conducted by UNHCR. The question of providing adequate guarantees for the interests of the host countries must therefoe be examined in connection with that of strengthening the capacity of local NGOs.

66. In conclusion, he expressed the deep frustration of his country's peoples, who were experiencing the adverse effects of the large-scale, unprecedented and prolonged presence of refugees on their territory. Zaire reiterated its appeal for the rapid convening of a round table of Zaire's donors, and urged the High Commissioner personally to take the initiative in the matter. The Government of Zaire would continue to participate effectively in international cooperation, while making sure that the humanitarian programmes undertaken with its agreement no longer jeopardized, either directly or indirectly, its vital interests.

The meeting rose at 1.05 p.m.